

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

11.5 ACRES OF LAND, more or less,
situate in Klickitat County, State of
Washington; and NANCY CLARK, et
al.,

Defendants.

NO: 12-CV-3148-RMP

FINAL JUDGMENT APPROVING
STIPULATION OF JUST
COMPENSATION

Upon consideration of the Stipulation of Just Compensation executed by the
United States of America and all defendants herein, it is hereby **ORDERED**,
ADJUDGED AND DECREED that:

1. The Stipulated Motion for Settlement and Stipulation of Just
Compensation, **ECF No. 45**, is **GRANTED**, and further

2. The United States filed its Complaint in Condemnation, ECF No. 1,
and Declaration of Taking, ECF No. 2, and then deposited \$15,600 (“Deposit”)

1 into the Registry of the Court on December 12, 2012, ECF No. 5. At that time,
2 title to the property, as set forth in the Declaration of Taking, vested in the United
3 States.

4 3. The subject property consists of easements over approximately 11.5
5 acres located in Klickitat County, Washington, as more particularly described in
6 the Declaration of Taking filed herein ("subject property"). The underlying land is
7 owned in fee simple by the Nancy Clark and Buck G. Clark Bypass Trust, Nancy
8 Clark, Trustee (henceforth, "Nancy Clark").

9 4. In order to settle this condemnation action, the parties agree that the
10 just compensation payable by the United States for the taking of the property and
11 estates described in the Declaration of Taking filed herein, ECF No. 2, together
12 with all improvements thereon and appurtenances thereunto belonging, shall be the
13 sum of \$69,000 inclusive of interest, attorneys' fees, and costs. *See* ECF No. 45,
14 Stipulation of Just Compensation.

15 5. Judgment shall be, and is hereby, entered against the United States in
16 the amount of \$69,000.

17 6. One party initially named in this suit, the County of Klickitat,
18 Washington, has disclaimed any interest in the Property, ECF Nos. 50, 51). A
19 second party recently named in this suit, Jessie Casswell, has also disclaimed any
20

1 interest in the Property, ECF Nos. 47, 48. As such, these parties are not entitled to
2 any distribution of the just compensation to be paid for the taking of the Property.

3 7. As the United States has previously deposited \$15,600 as estimated
4 just compensation, the deficiency amount between this amount and the agreed
5 settlement of \$69,000 is \$53,400. The United States shall pay into the Registry of
6 the Court the deficiency amount of \$53,400. Should said deposit into the Registry
7 not be made within 60 days of the entry of this order of judgment, any unpaid
8 portion of the \$53,400 deficiency shall accrue statutory interest for each day
9 thereafter until deposited.

10 8. The said sum of \$69,000 shall be full and just compensation and in
11 full satisfaction of any and all claims of whatsoever nature against the United
12 States by reason of the institution and prosecution of this action and taking of the
13 said lands and all appurtenances thereunto belonging.

14 9. The said sum of \$69,000 shall be subject to all liens, encumbrances
15 and charges of whatsoever nature existing against the said property at the time of
16 vesting of title thereto in the United States and all such taxes, assessments, liens
17 and encumbrances shall be payable and deductible from the said sum.

18 10. Defendant Nancy Clark warrants that on the date of taking it had
19 exclusive right to the compensation herein, excepting the interest of parties having
20 liens or encumbrances of record and unpaid taxes and assessments, if any, and that

1 no other person or entity is entitled to the same or any part thereof. In the event
2 that any other party is ultimately determined by a court of competent jurisdiction to
3 have any right to receive compensation for the property taken in this case, Nancy
4 Clark shall refund into the Registry of the Court the compensation distributed
5 herein, or such part thereof as the Court may direct, with interest thereon calculated
6 in accordance with the provision of 40 U.S.C. § 3116, from the date of the receipt
7 of the deposit by Defendant to the date of repayment into the Registry of the Court.

8 11. The parties shall be responsible for their own legal fees, costs, and
9 expenses (including attorney fees, consultants' fees, and any other expenses).

10 12. Upon the United States depositing the deficiency into the Registry of
11 the Court, the Clerk of the Court shall, without further order of this Court, disperse
12 to Defendant Nancy Clark, with check payable to:

13 Dunn Carney Trust Account for Nancy Clark and the Buck G. Clark Bypass
14 Trust, Nancy Clark, Trustee

15 at the following address:

16 Jack Hoffman
17 Dunn Carney Allen Higgins and Tongue
851 6th Avenue, Suite 1500
Portland, OR 97204-1357

18 all sums on deposit in the Registry of the Court, together with any interest earned
19 thereon while on deposit.

13. Following disbursement of the above sums to the Defendants, this case shall be CLOSED.

IT IS SO ORDERED.

The District Court Clerk is directed to enter this Order and provide copies to counsel and to Financial Specialist Sheri Wohl.

DATED this 14th day of November 2014.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Chief United States District Court Judge